



## CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

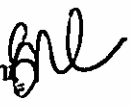
KASIM REED  
MAYOR

TIM KEANE  
COMMISSIONER

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-15-026 to Amend Section 16-29.001(16)(B)1., (C) 1. and (D)1

**DATE:** September 10, 2015

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**AN ORDINANCE BY ZONING COMMITTEE TO AMEND SECTIONS 16-29.001(16)(b)1., (c) 1. and (d)1. OF THE CITY OF ATLANTA ZONING ORDINANCE CONCERNING THE DISTANCE SEPARATION REQUIREMENTS FOR CERTAIN USES BY DELETING OR MODIFYING THE DISTANCE SEPARATION REQUIREMENTS FOR CERTAIN MEDICALLY RELATED FACILITIES; AND FOR OTHER PURPOSES.**

Staff recommends a 30 day deferral to allow all NPUs to opportunity to review and provide a recommendation.

**STAFF RECOMMENDATION: DEFERRAL, OCTOBER 2015**

cc: Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, Interim *bnc*

SUBJECT: Z-15-024 for Howell Mill Road Rezoning

DATE: September 10, 2015

**AN ORDINANCE TO REZONE CERTAIN PROPERTIES ALONG A PORTION OF THE HOWELL MILL ROAD CORRIDOR FROM C-1, C-1-C, C-2, C-2-C, I-1, AND I-1-C TO MRC-2-C (MIXED RESIDENTIAL COMMERCIAL – CONDITIONAL) IN WHICH TO IMPLEMENT VARIOUS PLANS AND STUDIES ALONG THE HOWELL MILL ROAD CORRIDOR.**

#### FINDINGS OF FACT:

- **Property location:** The area along Howell Mill Road in this rezoning encompasses a linear corridor which fronts both sides of Howell Mill Road to the south of I-75 and north of both Forrest and Morris Streets. It is located between the neighborhoods known as Underwood Hills to the west and Berkeley Park to the east in Neighborhood Planning Unit D and Council District 9.
- **Property Size and Physical Features:** The subject area is comprised of approximately 80 parcels totaling approximately 49 acres (0.077 square miles) of predominately improved properties. There is limited vegetation with the most notable exceptions following the I-75 right of way, and small landscaping buffers around parking lots along the corridor as well as unimproved or vacant properties along the southeastern side of Howell Mill Road north of Forrest Street. There is topography which generally falls from the Howell Mill Road ridge line to the east and west and further from Bellemeade Avenue south to Berkeley Avenue.
- **CDP Land Use Plan Designation:** Current land use designations include Low Density Commercial along both sides of Howell Mill Road. Until recently some Industrial sites were located in the southwestern portion of the area but an amendment of the CDP land use had been completed for these industrial properties including addresses 1572, 1586, 1678, and

1690 Howell Mill Road. The change in the land use designation to Low Density Commercial allow for consistency and for these properties to conform to their actual uses.

- **Current/past use of properties:** The Howell Mill Road corridor is currently comprised of a wide variety of land uses including a substantial portion of commercial purposes including retail and personal services, grocery, eating and drinking (including drive-thrus), automotive repair, gas fueling, banking and other institutional uses including a fire station, place of worship and a multi-story medical office. The proposed rezoning will not change the current use of the properties.
- **Surrounding Zoning and Land Uses:** The subject area is surrounded by properties of a variety of land uses and zoning. The majority of the subject properties adjacent to Howell Mill Road are zoned C-1, C-1-C, C-2, C-2-C with Low Density Commercial land use developed with various small and large commercial retail, eating and drinking establishments, auto repair/service, and medical office uses. Some properties in the southwest portion of the subject area are zoned I-1 and I-1-C and consist solely of auto repair/service uses. Immediately surrounding these properties to the northeast and southeast of the corridor are Underwood Hills and Berkeley Park neighborhoods which are predominantly zoned R-4 and R-4A zoning with Single-Family Residential land use and a small amount of RL-C zoning.
- **Transportation System:** The area is well served to automobiles with Howell Mill Road classified as an arterial street and Chattahoochee Ave and Defoor Avenue classified as a collector streets. MARTA services the area along Howell Mill Road with bus routes #12 and #37. Unfortunately, the area is less well served to pedestrians and bicyclists typically with narrow or no sidewalks nor any bike lanes – despite this stretch of Howell Mill Road being classified by the City as a Core Bicycle Connection. The proposed rezoning will have little impact on the overall operation of the transportation system except upon development for the opportunity to improve bike and pedestrian provisions via wide tree lined sidewalks, and bike provisions.

#### **PROPOSAL:**

Various plans and studies including the *Connect Atlanta Plan*, *Cycle Atlanta Plan*, *Upper Westside LCI Update*, *Collier Village Blueprints Plan* and more specifically the *2004 Berkeley Park Blueprints Plan* and *2012 Atlanta Beltline Subarea 8 Master Plan* were integral in developing this proposal. Following these efforts an extensive collaborative planning process was conducted by the City's Office of Planning working with the various stakeholders to envision the future redevelopment of this important northwest corridor. The public process included over a dozen public input meetings including open-house workshop and many individual stakeholder interviews over the past six months. In addition, detailed area analysis was conducted that included evaluating the transportation, land use, urban design, and redevelopment opportunities along the corridor.

Therefore, it is the recommendation of Staff to rezone these parcels to the Mixed Residential Commercial (MRC) district consistent with the vision and recommendations set forth. Specifically, this proposal would rezone currently zoned C-1, C-1-C, C-2, C-2-C, I-1, and I-1-C zoned sites to MRC-2-C category including limiting certain uses, densities and hours of

operation, limiting building heights (especially near adjacent existing single-family residential), allowing for future right-of-way improvements, providing access management including limiting curbcuts and provisioning for future shared inter-parcel access, among other conditions.

## **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The rezoning does not propose any specific development. An amendment of the CDP land use process was recently completed for a limited number of parcels to Low Density Commercial consistent with the MRC-2-C proposed zoning which will help the properties consistently conform to both their existing and future uses.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** There would be no predictable effect on public facilities and services, since the rezoning would not result in a specific development project. However, conditions are recommended to preserve 5-10 feet of right-of way along Howell Mill Road which Staff believes only can allow for the improvement of public faculties and services in the area. A rezoning to MRC-2-C would allow a marginal increase in density but more so a reallocation of density (trading some non-residential for residential densities) from the existing zoning. Infrastructure will be accessed and utilized as each project is proposed and built. Due to existing development Staff believes existing public infrastructure and services are deemed adequate to serve future uses.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Since no development project is being proposed, these considerations are not applicable. The proposed zoning regulations and conditions allow for a mix of uses while restricting other uses and by proposing some density reallocation as well as limiting height (especially near single-family residential). Also, various access management tools are provided among other conditions. In doing so, Staff is of the opinion the balance of land uses would be improved through this proposal.
- 4) **Effect on character of the neighborhood:** Since no development project is being proposed, these considerations are not applicable. However, Staff recognizes these rezoning regulations allow and incentivize mixed uses as well as emphasize creation of a unified pedestrian-oriented built environment that improves the appearance of streetscapes thru consistent street trees and widened sidewalks as well as pedestrian friendly public facades which virtually all Howell Mill stakeholders desire. Thus, the character of the public domain for the neighborhoods is expected to improve upon each subsequent development.
- 5) **Suitability of proposed land use:** Staff concludes that the recent change in land use at addresses 1572, 1586, 1678, and 1690 Howell Mill Road from the Industrial designation to Low Density Commercial allow the properties to conform to their current uses and surrounding uses. Other parcels included in the legislation are Low Density Commercial so no other land uses were needed or are proposed to change.
- 6) **Effect on adjacent property:** Since no development project is being proposed, this consideration is not applicable. Yet, Staff understands the proposed zoning regulations reallocated densities, provided restrictions on certain uses, and placed restrictive height limits

along with substantial transitions yard and screening requirements when adjacent to single-family residential zoning. Taken together these are only expected to substantial limit possible negative effect on adjacent properties.

- 7) **Economic use of current zoning:** Since no development project is being proposed, this consideration is not applicable. Although, Staff has determined that the current zoning does have substantial economic uses, these zoning regulations allow for a more unified pedestrian-oriented built environment. Therefore, it is expected that the value of properties could only increase whereas surrounding properties would also improve due to the opportunity for a mixing uses and an improved aesthetic of convenient and accessible goods and services.
- 8) **Compatibility with policies related to tree preservation:** The proposed legislation will not affect these requirements. Although, Staff notes that the proposed regulations include the provision of more pedestrian accessible open and public requirements as well as the provision of street trees provided adjacent to the street , periphery trees in parking lots and evergreen trees in transitional yards adjacent to single-family residential.
- 9) **Other considerations:** This proposed Howell Mill Road rezoning is in keeping with the *Berkeley Park Blueprints Plan*, *Atlanta Beltline Master Plan*, and other nearby plans. It builds upon other efforts in NPU-D and City of Atlanta to support a cohesive pedestrian friendly urban aesthetic including a mix of uses to serve the needs of the area while providing appropriate transitions from the surrounding residential neighborhoods. This is achieved by using the MRC zoning regulations in combination with conditions to provide, upon redevelopment, for future right-of-way improvements along Howell Mill Road and nearby consistent streetscapes including sidewalks and street trees. Parcels are further conditioned to restrict uses inconsistent with the area, provide reasonable open spaces and practical building height limits. This would be expected to eventually transform this traffic clogged automobile-oriented predominately commercial area to a better traffic managed mixed use neighborhood with pedestrian-friendly streetscapes to serve the public interest.

#### **STAFF RECOMMENDATION: APPROVAL OF A SUBSTITUTE ORDINANCE**

cc: Charletta Wilson Jacks, Director



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MAYOR

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TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnc*

**SUBJECT:** Z-15-033 for 2989 Lookout Place, N.E.

**DATE:** September 10, 2015

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The applicant seeks to rezone the property from the **R-4 (Single-Family Residential) District** to the **R-4A (Single-Family Residential) District** to construct two (2) new detached single-family dwellings.

#### FINDINGS OF FACT:

- **Property location:** The subject property is located on the east side of Lookout Place, beginning approximately 200 feet south from the southeast corner of the intersection of Lookout Place and Pharr Road. It is located within Land Lot 60 of the 17<sup>th</sup> District of Fulton County, Georgia in the Garden Hills Neighborhood of NPU-B in Council District 7.
- **Property size and physical features:** The subject property is an irregular shaped lot of approximately 17,077 square feet (0.39 acres) with approximately 100 feet of frontage currently developed with a one-story two-family residential structure with basement. The house is accessed by a concrete drive to the north of the building. The topography is steep, sloping downward in an easterly direction from the front of the lot to the rear approximately 25 feet. A stream runs along the rear property line. There are several trees in the property, especially at the rear of the existing structure.
- **CDP land use map designation:** The Land Use Map for NPU-B designates the subject property as Single-Family Residential.
- **Current/past use of property:** Currently, the subject property is developed with a duplex. According to a 1923 plat recorded with Fulton County and named Peachtree View, the subject

property was two separate parcels with 50 feet of frontage and similar square footage as the other parcels along Lookout Place.

- **Surrounding zoning/land uses:** Properties in the area are occupied by a mixture of uses that include, commercial, office, two-family residential, and park land (Frankie Allen Park abuts the property to east). Land Use and Zoning designations in the immediate area vary and include SPI-9 Buckhead Village – Subarea 3, Extended Village District to the north with a land use designation of Medium Density Residential; SPI-9 Buckhead Village – Subarea 1, Core Village District and Residential Limited Commercial District to the west, across Lookout Place, with a land use designation of Low Density Commercial; R-4 Single-Family Residential District to the south with a land use designation of Single-Family Residential; and SPI-9 Buckhead Village – Subarea 3, Extended Village District and R-4 Single Family Residential District to the east with a land use designation of Open Space.
- **Transportation:** Lookout Place is categorized as a local street. There is no public transportation on Lookout Place. However, there is MARTA bus route 38 available on nearby Pharr Road to the north.

## **PROPOSAL:**

The applicant proposes to rezone the property to allow for the subdivision of the land into two (2) lots to construct two (2) new single-family homes. The existing lot has 100 feet of street frontage which is less than required to allow the subdivision of the lot under the current zoning of R-4 which requires a minimum frontage of 70 feet for each lot created. Per 1923 plat, recorded with Fulton County, the subject property was two parcels that were consolidated for the construction of the existing two-family dwelling on the lot. The 1923 plat shows that the majority of lots in the area have approximately 50 feet of street frontage with similar square footage to the two (2) proposed lots.

## **CONCLUSIONS:**

- 1) **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as Single-Family Residential; therefore, no amendment to the 15-year land use map will be required. Therefore, the proposed development is compatible with the Comprehensive Development Plan. Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies:** Since the area has been a long established neighborhood and there is a two-family structure on the property, water and sewage facilities serving the property are assumed to be adequate for the proposed development. There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need:** Staff is of the opinion that the proposed zoning classification could negatively impact the balance of land uses in the surrounding area by allowing a single-family zoning district not present in the area which allows for smaller lot size and frontage

while permitting a higher lot coverage. Moreover, the applicant has not provided any evidence of public need which this rezoning would fulfill. The proposed rezoning could have an adverse effect on the environment or create an imbalance of land uses given that the property has historically had a single structure.

- 4) **Effect on character of the neighborhood:** The development as proposed could have a negative effect of the character of the neighborhood. Staff feels that the allowance of the R-4A zoning district is not compatible with the character of the Garden Hills neighborhood and its predominantly R-4 zoning district.
- 5) **Suitability of proposed land use:** A change in the 15-year land use map is not required.
- 6) **Effect on adjacent property:** The proposed redevelopment of the site would have an adverse effect of adjacent properties. The rezoning would allow the construction of two (2) dwellings on a lot with steep topography while allowing for 55% lot coverage. The increase in permitted lot coverage from 50% (R-4 District) to 55% (R-4A District) plus two (2) houses and accessory structures instead of one (1) could increase the water runoff. Also, the proposed R-4A zoning would have a negative effect by introducing a zoning category that is currently not found anywhere in the general area.
- 7) **Economic use of current zoning:** The existing lot can be used to construct a single-family home of significant size due to the R-4 maximum allowed Floor Area Ratio (FAR) of .5 compatible with its surroundings. However, the requested rezoning would significantly increase the site's economic value by allowing the construction of two single-family homes.
- 8) **Compatibility with policies related to tree preservation:** Redevelopment of the property must comply with the City of Atlanta Tree Ordinance at time of permitting.

**STAFF RECOMMENDATION: DENIAL**

cc: Charletta Wilson Jacks, Director



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TIM KEANE  
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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnc*

**SUBJECT:** Z-15-035 for 590 and 602 North Highland Avenue, and 1051 North Avenue, N.E.

**DATE:** September 10, 2015

The applicant seeks a rezoning of the property from the C-1(Community Business) District and R-4 (Single Family Residential) District to the PD-MU (Planned Development-Mixed Use) District to allow for the construction of a mixed use development including renovation of Manuel's Tavern.

### FINDINGS OF FACT:

- **Property location:** The subject property (an assemblage of several parcels) is located as follows, Parcel 1 fronts approximately 109.84 feet on the west side of North Highland Avenue beginning at the northwest intersection of North Highland Avenue and Williams Mill Road and Parcel 2 fronts 171.63 feet on the south side of Williams Mill Road beginning at the southwest intersection of Williams Mill Road and North Highland Avenue. It is located within Land Lot 15 of the 14th District of Fulton County, Georgia in the Poncey-Highland Neighborhood of NPU-N in Council District 2. The property is located within the Ponce De Leon Livable Center Initiative (LCI).
- **Property size and physical features:** According to the City of Atlanta lot boundary maps, the subject property consists of 3 tracts of land amounting to a total acreage of 1.283 acres (55,767 square feet) with a total street frontage of 149.77 feet on the south side of North Avenue, 371 feet on the west side of North Highland Avenue, 168.65 feet on the north side of Williams Mill Road, and 171.63 feet on the south side of Williams Mill Road. Two of the 3 composing parcels are currently developed with surface parking, one of the two has an automated teller machine (ATM), and the third parcel is developed with a one story building occupied by Manuel's Tavern. The topography slopes upward in southwesterly direction from the northeastern to the southwestern corner of the subject property approximately 24 feet. There are mature trees along the western boundary of the property.

- **CDP land use map designation:** The Land Use Map for NPU-N designates the subject property as Single-Family Residential, Low Density Commercial, and High Density Mixed Use.
- **Current/past use of property:** The subject property is currently developed with a one-story building occupied by Manuel's Tavern, surface parking lots, and automated teller machine (ATM). In the past the surface parking was occupied by single-family homes.
- **Surrounding zoning/land use:** Land use and zoning designations in the immediate area vary. They include SPI-6/SA-2 (Poncey-Highland Special Public Interest District Subarea 2) district to the south with a land use designation of Open Space, R-4 (Single Family Residential) district to the west with a land use designation of Single Family Residential, C-1 (Community Business) district to the north with a land use designation of Low Density Commercial, and C-1 (Community Business) district and C-1-C (Community Business Conditional) district to the east with a land use designation of High Density Mixed Use. A multifamily residential building is located across North Avenue to the north. Properties to the west are occupied by single-family detached homes. Properties to the east are occupied by a mixture of commercial uses and to the south is Freedom Park.
- **Transportation system:** North Avenue and North Highland Avenue are categorized as arterial streets, and Williams Mill Road is categorized as a local street. There are two MARTA bus routes, #16 and #45, running along North Highland Avenue. There are existing sidewalks along the entire frontages of the subject property.

## **PROPOSAL:**

The applicant seeks to rezone the property to construct a mixed-use development including residential and commercial uses. The existing building occupied by Manuel's Tavern will remain with a mixture of restaurant and retail on the northern parcel. The south parcel will be developed with a mixed-use building with parking.

### **Project Specifications:**

Total lot area:	55,767 square feet
Proposed total area:	116,000 square feet
Proposed residential area:	95,000 square feet
Proposed residential F.A.R.:	1.7
Maximum number of residential units:	87
Proposed non-residential area:	21,000 square feet
Proposed non-residential F.A.R.:	0.38
Total F.A.R.:	2.08
Parking spaces provided:	195
Building height above grade:	6 stories maximum

## **CONCLUSIONS:**

- **Compatibility with comprehensive development plan (CDP); timing of development:** The comprehensive development plan designates the subject property as Single-Family Residential, Low Density Commercial, and High Density Mixed Use land uses; therefore, an amendment to the 15-year land use map will be required. At the site location, Staff is not aware of any public projects/programs to conflict with the proposed timing of development.
- **Availability of and affect of public facilities and services; referral to other agencies:** The location of the site and surrounding uses indicates there are public facilities and services available to the subject property. There has been no indication from review agencies and departments there would not be adequate public facilities and services at the subject location. At time of permitting the development plans will be submitted to other agencies for permit review for compliance with applicable City codes.
- **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. There is no negative impact on the balance of land uses. The proposed development will increase the available residential unit's base in the area and encouraging alternative commute to and from work.
- **Effect on character of the neighborhood:** Staff is of the opinion that the proposed rezoning would have a positive impact on the neighborhood's character. The proposed development will allow for the creation of an urban mixed use which may benefit the already existing neighborhood commercial uses in the vicinity. This will improve the existing neighborhood by adding an urban sense, residential units, commercial possibilities, and revitalizing the overall area by replacing surface parking with new development while keeping the historic Manuel's Tavern.
- **Suitability of proposed land use:** A change in the 15-year land use map is required for compatibility with the requested PD-MU zoning. A portion of the subject property is already designated as High Density Mixed Use, therefore, the land use change is suitable.
- **Effect on adjacent property:** Staff finds that the proposed development would not adversely affect the adjacent properties. The site is located within the Poncey-Highland neighborhood which is envisioned to provide a wide variety of land uses with a more urban feel. The proposed development would fit within this framework with its mixed-use buildings.
- **Economic use of current zoning:** The subject property has certain economic use under the existing conditions. However, under the context of the redevelopment trend on the area, the land uses permissible by the current C-1 and R-4 seem to be outdated and no longer a viable solution for the future of the neighborhood and such prime tract of land.
- **Tree Preservation:** The proposed development will need to comply with the requirements of the City of Atlanta's Tree Ordinance.

The following findings are in accordance with Section 16-19.005 (5) of the Zoning Ordinance of the City of Atlanta for Planned Development Districts:

**a. The suitability of the tract for the general type of PD zoning proposed.**

Staff is of the opinion that the land is suitable for a PD-MU zoning classification. The location, the zoning of surrounding properties, and availability of public utilities are appropriate elements considered by Staff as satisfactory. Given the site location, between commercial and single family uses, the development would act as a buffer between the different uses. Moreover, Staff is of the opinion that the proposed project would be compatible with surrounding neighborhoods and would enhance the character of the area. Also, Staff finds that the proposal blends well in to the existing and proposed developments around the area.

**b. The relationship to major roads and mass transit facilities, utilities and other facilities and services.**

The site is served by MARTA public transit bus routes #16 and #45. Also, vehicular traffic is satisfied by North Avenue and North Highland Avenue – both arterial, with enough capacity to accommodate a denser development. Freedom Parkway is located in close proximity to the south. The location of the site indicates there are public facilities and services available that are satisfactory to allow for the proposed development.

**c. The evidence of unified control.**

The revised rezoning site plan submitted by the applicant does not provide for a report to regulate maintenance of all proposed common areas within the development. However, since this is a conceptual rezoning site plan and not all the details of the future development are yet in place, Staff finds that criteria can be evaluated at a later time, during the review of the required building permits.

**d. The suitability of proposed plans.**

The proposed site plan, dated July 27, 2015 and stamped received by the Office of Planning on September 3, 2015 is considered to be suitable for a PD-MU type of development.

**e. Specific modifications.**

Revised site plan has been submitted to the Office of Planning on September 3, 2015.

**f. The suitability of a maintenance program.**

The applicant has provided no information related to a maintenance program. Staff finds that the site plan identifies facilities and improvements proposed for common use. Staff will require that the development be governed by private covenants to provide for ownership/maintenance of the common areas.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following:**

1. Development is subject to the site plan titled "Site Plan – North Highland Ave. Development" by S&W Architecture Engineering Interiors, dated July 27, 2015 and stamped received by the Office of Planning on September 3, 2015.
2. The developer shall provide the Office of Planning with recorded private covenants. The document must contain details on the ownership and the maintenance program for the development.
3. Developer shall obtain from the Office of Planning a Land Consolidation Plat to assemble the two north parcels, between North Avenue and Williams Mill Road, into one single tract, before making application for a building permit.
4. All work to be undertaken by the applicant within the City of Atlanta right-of-way shall be permitted by the Department of Public Works prior to construction.
5. The space identified as "Loading Zone (Short Term parking)" located within the North Highland public right-of-way is subject to the review and approval of the Department of Public Works. The adoption of the rezoning and Site Plan dated July 27, 2015 and stamped received by the Office of Planning on September 3, 2015 does not authorize the placement of this space at the location shown.
6. Development of the property shall be subject to all City of Atlanta development regulations including but not limited to, Watershed Management Department, Fire Safety Engineer, Public Works Department as well as City of Atlanta Tree Ordinance.

cc: Charletta Wilson Jacks, Director



## CITY OF ATLANTA

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CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

TO: Zoning Review Board

FROM: Brandy N. Crawford, Zoning Administrator, and Interim 

SUBJECT: Z-15-36 for 929 Moreland Avenue, S.E.

DATE: September 10, 2015

An Ordinance by Zoning Committee to rezone from the **R-4 (Single Family Residential)** District to the **R-4A (Single Family Residential)** for property located at 929 Moreland Avenue, S.E.

#### FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 100.38 feet on the west side of Moreland Avenue and beginning approximately 261 feet from the southwest intersection of Moreland Avenue and Eden Avenue. Depth: Varies Area: Approximately 0.46 Acres. Land Lot 10, 14th District Fulton County, Georgia.
- **Property size and physical features:** The subject property consists of approximately 20,037 square feet of area with 100.38 feet of frontage on Moreland Avenue. It is currently developed with a vacant single family residence. The topography rises steeply from the front of the lot towards the home, but is relatively flat throughout the rear. There several large and mature trees throughout the lot.
- **CDP land use map designation:** Single Family Residential.
- **Current/past use of property:** To the knowledge of Staff, the subject parcel has always been developed for single family residential purposes.
- **Surrounding zoning/land uses:** The subject property surrounded by property zoned R-4 with a single family residential land use.

- **Transportation system:** Moreland Avenue is an arterial street and sidewalks can be found along the corridor. MARTA bus routes are also found along Moreland Avenue and Interstate 20 is less than a five miles from the subject property.

#### **PROPOSAL:**

The applicant proposes to rezone the property located at 929 Moreland Avenue, S.E. to allow for the subdivision of the land into two (2) lots to construct two (2) new single-family homes. The existing lot has 100.38 feet of street frontage which is less than required to allow the subdivision of the lot under the current zoning of R-4 which requires a minimum frontage of 70 feet for each lot created. An Ordinance by Zoning Committee to rezone from the R-4 (Single Family Residential) District to the R-4A (Single Family Residential) for property for the purpose of constructing two single family homes.

#### **CONCLUSIONS:**

**(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The comprehensive development plan designates the subject tract as Single Density residential. No amendment to the 15 Year Land Use Map is required. There are no public projects or programs with which the timing of the project would conflict.

**(2) Availability of and effect of public facilities and services; referral to other agencies:**

It would appear there are adequate public facilities and services for the development of the property. The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

**(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

The zoning regulations indicate that this consideration is optional. Staff is of the opinion that the proposed zoning classification could negatively impact the balance of land uses in the surrounding area by allowing a single-family zoning district not present in the area which allows for smaller lot size and frontage while permitting a higher lot coverage. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The proposed rezoning could have an adverse effect on the environment or create an imbalance of land uses given that the property has historically had one single family residence.

**(4) Effect on character of the neighborhood:**

Staff is of the opinion that this request to rezone from R-4 to R-4A could possibly have a negative impact on the character of the neighborhood. The applicant intends to construct two single family homes on the lot, which would create an additional structure where only one exists today. Additionally, a rezoning of the lot could be considered spot zoning, as all of the surrounding properties have an R-4 zoning. The rezoning could create precedent to encourage more intense development, which could negatively impact the surrounding community.

- (5) **Suitability of proposed land use:** No change in the 15-year land use map is required.
- (6) **Effect on adjacent property:** The proposed redevelopment of the site would have an adverse effect of adjacent properties. The rezoning would allow the construction of two (2) dwellings on a lot while allowing for 55% lot coverage and has the effect of introducing a zoning category that is currently not found in the general area.
- (7) **Economic use of current zoning:** The existing lot can be used to construct a single-family home of significant size due to the R-4 maximum allowed Floor Area Ratio (FAR) of .5 compatible with its surroundings. However, the requested rezoning would significantly increase the site's economic value by allowing the construction of two single-family homes.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

**STAFF RECOMMENDATION: DENIAL**

cc: Charletta Wilson Jacks, Director



KASIM REED  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303  
404-330-6145 – FAX: 404-658-7491  
<http://www.atlantaga.gov/Government/Planning.aspx>

TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

## MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnl*

**SUBJECT:** Z-15-37 for 723 Ralph McGill Boulevard, N.E.

**DATE:** September 10, 2015

The applicant requests to rezone property from the **R-4 (Single Family Residential)** district to the **MR-3 (Multifamily Residential -Sector 3)** district for the development of four (4) townhomes.

The applicant needs additional time to resolve issues related to the requested zoning proposal and site plan. Staff believes a 30-day deferral would be in the best interest of all parties and would allow adequate time for staff review.

**STAFF RECOMMENDATION: 30-DAY DEFERRAL, OCTOBER 2015**

cc: Charletta Wilson Jacks, Director



## CITY OF ATLANTA

KASIM REED  
MAYOR


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-14-75 for 4707, 4715, 4723, 4731, 4739, 4749, 4755, 4765, 4698, 4706, 4716, 4724, 4736, 4742, 4754 and 4764 Wieuca Road and Parcel Number 17 009500031294, N.W.

**DATE:** September 10, 2015

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An ordinance to rezone from the **R-3 (Single Family Residential)** and **O-I-C (Office Institutional Conditional)** to the **MR-2 (Multifamily Residential)**.

#### FINDINGS OF FACT:

- property location: The subject property fronts approximately 687 feet on the north side of Wieuca Road begins approximately 373 feet from the northeast intersection of Wieuca Road and Roswell Road, fronts 687 feet on the north side of Wieuca Road and begins approximately 284 feet southeast from the intersection of Roswell Road and Wieuca Road. The property is located in Land Lot 95 of the 17<sup>th</sup> District, Fulton County, Georgia in NPU-B Council District 8.
- property size and physical features: The subject property of approximately 7.71 acres is currently comprised of fifteen lots that are developed with single family dwellings and one lot that is currently undeveloped. An existing creek traverses the undeveloped western lot which is also subject to stream buffers and a floodplain. Therefore, this portion of the site cannot be developed and will remain undisturbed. Topography of the subject properties varies and there are several mature trees and shrubbery located throughout the site.
- CDP land use map designation: Single Family Residential and Office Institutional.
- Current/past use of property: The site is currently developed with fifteen (15) single family dwellings and one (1) undeveloped parcel. Staff is unaware of any other uses.
- Surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: R-3 (Single Family Residential) to the east and south, C-1-C (Community Business Conditional) to the north and east and RG-2 (Residential General Sector 2) to the west.
- Transportation system: Roswell Road is an arterial road that is serviced by MARTA.

**PROPOSAL:** The applicant's intent is to rezone the subject properties for the purpose of developing 38 single family homes.

Gross Land Area:	372,226
Maximum F.A.R. allowed (residential):	0.348
Proposed F.A.R. (residential):	0.347
Minimum Useable Open Space:	0.45
Proposed Useable Open Space:	0.49
Proposed parking:	76 (based on units)
Proposed Height:	35 feet

Required variances/special exceptions: The proposed project must comply with the zoning requirements for the MR regulations therefore a Special Administrative Permit (SAP) application will be required.

## **CONCLUSIONS:**

**(1) Compatibility with comprehensive development plan (CDP); timing of development:**

The proposed rezoning is not compatible with the 2011 Comprehensive Development Plan and will require an application to amend the land use designation to Low Density Residential. The requested land use amendment is compatible to the surrounding area as parcels immediately adjacent to the subject properties contain a variety of land use designations. Therefore, Staff is of the opinion that the proposed land use change will not compromise the intent of the Comprehensive Development Plan.

**(2) Availability of and effect of public facilities and services; referral to other agencies:**

Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. It should be noted however, that the existing residences are currently not tied in to the sewer system as they are currently on septic. The applicant's intent is to tie in the subject properties to the sewer system. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

**(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:**

Staff is of the opinion that the request to rezone the subject property for the development of several single family residences would not create any issues that would negatively affect the balance of land uses in the area. The redevelopment of the properties would provide a natural transition from a major corridor with developments that are currently being used for commercial, office and multifamily purposes. The proposed single family development would afford a more efficient use of land near a major economic corridor.

**(4) Effect on character of the neighborhood:** The immediate area is flanked by single family, multifamily and commercial developments. The Roswell Road corridor has numerous medium density and high density residential developments as well as some low density

commercial developments in the area. The proposed development would support the transition from commercial to single family, will not impede on adjacent residences as there is only one access point to the subject site and will minimize the impact on adjacent properties as this portion of Wieuca Road terminates at the western property line thus restricting vehicular access. Therefore, the proposed single development would not change the character of the neighborhood.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** No negative effects are expected on adjacent properties. Currently the subject site is adjacent to multifamily and commercial developments that range in size and height. The proposed single family development would only compliment an area where development is prevalent. Therefore, the rezoning of the subject properties would provide a good transition from commercial to residential.
- (7) **Economic use of current zoning:** While the current zoning conditions allow for economic use of the land, a change of conditions would allow for a more effective economic use of the subject property for the purpose of constructing a single family development.
- (8) **Tree Preservation:** It is noted that additional trees or recompense may be necessary to comply with the City of Atlanta Tree Ordinance. However, the applicant has confirmed that all policies related to tree preservation will be met.

**STAFF RECOMMENDATION: APPROVAL conditioned on the following:**

- 1. Site plan similar to the conceptual site plan by Paradigm Engineering Services, Inc., entitled Zoning Site Plan, dated February 20, 2015 and stamped received by the Office of Planning on August 17, 2015. This site plan shall not prohibit the application of the MR regulations.
- 2. Landscaping plan, including privacy fencing, similar to the Buffer Planting Study dated August 28, 2015 (the "Buffer Planting Study"). Perimeter landscaping on the site as shown on the Buffer Planting Study shall be fully installed prior to the issuance of the first certificate of occupancy for the first single family dwelling on the site. This plan shall not prohibit the application of the MR regulations.
- 3. The development on the site shall not exceed 5 units per acre.
- 4. The owner/developer will not request any administrative amendment without providing evidence that notice of such request has been given to the Chair of NPU B and the President of Chastain Park Civic Association or his/her designee which seeks to:
  - a. Increase the square footage of any building or the number and/or location of parking spaces;
  - b. Change any of the uses or location of said uses;
  - c. Decrease any exterior setback or amount of landscaped area;
  - d. Materially reduce public access or public spaces; or
  - e. Otherwise materially alter these conditions

Z-14-75 for 4707, 4715, 4723, 4731, 4739, 4749, 4755, 4765, 4698, 4706, 4716, 4724, 4736, 4742, 4754 and 4764  
Wieuca Road and Parcel Number 17 009500031294, N.W.

September 10, 2015

Page 4 of 4

- f. The owner/developer will have the right to request administrative changes without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta or to address site conditions.

cc: Charletta Wilson Jacks, Director



## CITY OF ATLANTA

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KASIM REED  
MAYOR

TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

### MEMORANDUM

**TO:** Zoning Review Board

**FROM:** Brandy N. Crawford, Zoning Administrator, Interim 

**SUBJECT:** Z-14-66 for 490 Bishop Street, N.W.

**DATE:** September 10, 2015 (Deferred from July 23, 2015)

An Ordinance to rezone from the I-2 (Heavy Industrial) District to the MR-5A (Multi-family Residential) District, property located on a portion of 490 Bishop Street, NW.

The applicant has requested additional time to resolve issues that are unrelated to zoning, but affect the site planning process.

**STAFF RECOMMENDATION:** 30-DAY DEFERRAL, OCTOBER 2015

cc: Charletta Wilson Jacks, Director, Office of Planning



KASIM REED  
MAYOR

**CITY OF ATLANTA**  
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TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

**MEMORANDUM**

**TO:** Zoning Review Board  
**FROM:** Brandy N. Crawford, Zoning Administrator, Interim *bnc*  
**SUBJECT:** Z-15-015 for 846 Hank Aaron Drive, S.E.  
**DATE:** September 10, 2015

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An Ordinance by Zoning Committee to rezone from the **MRC-1-C (Mixed Residential Commercial-Sector 1-Conditional)** District to **MRC-1-C (Mixed Residential Commercial-Sector 1-Conditional)** for a change in conditions for property located at **846 Hank Aaron Drive, S.E.**

The applicant has made written request that this case be withdrawn. Planning Staff is supportive of the request.

**STAFF RECOMMENDATION: FILE**

cc: Charletta Wilson Jacks, Director